

REMARKS

In the Office Action the Examiner noted that claims 1-28 and 43-44 are pending in the application. The Examiner allowed claims 2 and 11-18, rejected claims 1, 3-12, 19-28, and 43-44, and objected to claim 9. By this Amendment, claims 1, 19-20, and 43 have been amended. No new matter has been presented. Thus, claims 1-28 and 43-44 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Claim Rejections Under 35 USC §112

In items 9-10 on page 3 of the Office Action the Examiner rejected claims 1, 3-10, 19-28, and 43-44 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, and §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Examiner's rejections under both paragraphs are apparently based on the recited word "official" in those claims.

By this Amendment, claims 1, 19-20, and 43 have been amended and no longer recite the language cited by the Examiner. Therefore, the Applicants respectfully request the withdrawal of the Examiner's §112 rejections of claims 1, 3-10, 19-28, and 43-44.

Claim Rejections Under 35 USC §102

In item 13 on pages 4-5 of the Office Action the Examiner rejected claims 1 and 3 under 35 U.S.C. §102(a) as being anticipated by "System Time Management" by Cisco Systems, Inc., April 2000 (hereinafter referred to as "Cisco"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 1 of the present application recites "a date-and-time setting request reception unit accepting a date-and-time setting request from any date-and-time manager before accepting a date-and-time setting request from a predetermined date-and-time manager, and accepting a date-and-time setting request only from the predetermined date-and-time manager after accepting a date-and-time setting request from the predetermined date-and-time manager." The Applicants respectfully submit that Cisco does not disclose or suggest at least these features of claim 1.

Cisco discloses a system time management window which allows a user to manually configure the time on a switch, or allows the user to configure NTP so that the switch requests time updates from an NTP server or receives updates automatically from an NTP broadcast server (page 1). The Examiner stated that Cisco discloses “accepting a date-and-time setting request only from the specified date-and-time manager/authenticated NTP server after accepting a date-and-time setting request from the specified date-and-time manager/authenticated NTP server.” However, it is apparent from the disclosure of Cisco that the automatic updates from the NTP server are merely provided as a convenience to the user to keep the time on the switch updated. The updates are apparently never only accepted from the NTP server, because at any time the user can go in and manually set the system time (page 1). “Generally, you do not need to set the system clock if the system is synchronized by a valid outside timing mechanism such as NTP. If no other time source is available, you should manually set the time” (page 1). Therefore, it is clear that at any time a user can go in and configure the system clock. While it is true that an NTP server may be set to update the system clock on an automatic basis, it is also quite clear that a user can also manually configure the clock at any time. In fact, the Applicants respectfully submit that it is well known in the art that a user using a system such as that disclosed in Cisco may at any time manually configure the system clock at the local terminal, and at least two of the pages of Cisco detail exactly how a user performs the manual configuration. While the Examiner has cited the language in Cisco that discloses allowing only NTP servers that provide authentication to make the switch updates, the user is still allowed to manually configure the switch, regardless of whether there is an authenticated NTP server that will automatically update the switch at a later time.

Because a user can update the system clock (switch) at any time in the disclosure of Cisco, there is no way to control a date-and-time apparatus such that a date-and-time setting request is only received from a predetermined date-and-time manager. Therefore, sensitive time and date material could be forged at the local terminal by a user using the apparatus of Cisco. This is in direct contrast to claim 1 of the present application, in which only date-and-time setting requests from the predetermined date-and-time manager are accepted after accepting a date-and-time setting request from the predetermined date-and-time manager.

Therefore, Cisco does not disclose or suggest at least the feature of “accepting a date-and-time setting request only from the predetermined date-and-time manager after accepting a date-and-time setting request from the predetermined date-and-time manager.” Accordingly, Cisco does not disclose every element of the Applicants' claim 1. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP

§2131). Therefore, since Cisco does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Cisco, and withdrawal of the §102(a) rejection is earnestly and respectfully solicited.

Claim 3 depends from claim 1 and includes all of the features of that claim plus additional features which are not disclosed or suggested by Cisco. Therefore, it is respectfully submitted that claim 3 also patentably distinguishes over Cisco.

Claim Rejections Under 35 USC §103

In item 15 on page 5 of the Office Action the Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Cisco, as applied to claim 3. The Applicants respectfully traverse the Examiner's rejection of this claim.

As discussed in the previous section of this Amendment, claim 1 patentably distinguishes over Cisco. Further, claim 7 depends from claim 1 and includes all of the features of that claim plus additional features which are not disclosed or suggested by Cisco. Therefore, it is respectfully submitted that claim 7 also patentably distinguishes over Cisco.

In item 16 on pages 6-8 of the Office Action the Examiner rejected claims 4-6, 19-22, and 25-26 under 35 U.S.C. §103(a) as being unpatentably over Cisco, as applied to claims 1 and 3, and further in view of Handbook of Applied Cryptography, by Menezes et al. (hereinafter referred to as "Menezes"). The Applicants respectfully traverse the Examiner's rejections of these claims.

As discussed in the previous section of this Amendment, claim 1 patentably distinguishes over Cisco. Further, as Menezes apparently merely discloses including non-repeating values such as sequence numbers in protocol messages to prevent replay attacks, Menezes does not cure the deficiencies of Cisco in regard to claim 1. Further, claims 4-6 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 4-6 also patentably distinguish over the cited references.

Claim 19 of the present application also recites "accepting a date-and-time setting request only from the predetermined date-and-time manager after accepting a date-and-time setting request from the predetermined date-and-time manager", as is recited in claim 1. As discussed above in regard to claim 1, at least this feature of claim 19 is not disclosed or suggested by the cited references. Further, claims 21-22 depend from claim 19 and include all

of the features of that claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 19 and 21-22 also patentably distinguish over the cited references.

Claim 20 of the present application, as amended, recites "accepting a date-and-time setting request only from a date-and-time manager at a higher hierarchical level than the date-and-time manager whose request has been accepted before", as is recited in allowed claim 2. Further, claims 25-26 depend from claim 20 and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 20 and 25-26 also patentably distinguish over the cited references.

In item 17 on pages 8-9 of the Office Action the Examiner rejected claims 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Cisco, as applied to claims 1-2, and further in view of U.S. Patent No. 6,157,957, issued to Berthaud (hereinafter referred to as "Berthaud"). The Applicants respectfully traverse the Examiner's rejections of claims 8 and 10.

As discussed in the previous section of this Amendment, claim 1 patentably distinguishes over Cisco. Further, as Berthaud apparently merely discloses calculating correction information/conversion function information to achieve a pre-specified precision of a clock unit, Berthaud does not cure the deficiencies of Cisco in regard to claim 1. Further, claims 8 and 10 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claims 8 and 10 also patentably distinguish over the cited references.

In item 18 on pages 9-10 of the Office Action the Examiner rejected claims 23 and 27 under 35 U.S.C. §103(a) as being unpatentable over Cisco and Menezes, as applied to claims 19-20, and further in view of U.S. Patent No. 5,444,780, issued to Hartman, Jr. (hereinafter referred to as "Hartman"). The Applicants respectfully traverse the Examiner's rejections of claims 23 and 27.

As previously discussed in this section of the Amendment, claims 19-20 patentably distinguish over Cisco and Menezes. Further, as Hartman apparently merely discloses encrypting an authenticated code using a secret key, a time value, and an authenticated device, Hartman does not cure the deficiencies of Cisco and Menezes in regard to claims 19-20. Therefore, as claims 23 and 27 depend from claims 19 and 20, respectively, it is respectfully submitted that claims 23 and 27 patentably distinguish over the cited references.

In item 19 on page 10 of the Office Action the Examiner rejected claims 24 and 28 under 35 U.S.C. §103(a) as being unpatentable over Cisco and Menezes, as applied to claims 19-20, and further in view of U.S. Patent No. 6,199,169, issued to Voth (hereinafter referred to as "Voth"). The Applicants respectfully traverse the Examiner's rejections of claims 24 and 28.

As previously discussed in this section of the Amendment, claims 19-20 patentably distinguish over Cisco and Menezes. Further, as Voth apparently merely discloses sending adjustment date and time information and frequency of time change information to update distributed time devices, Voth does not cure the deficiencies of Cisco and Menezes in regard to claims 19-20. Therefore, as claims 24 and 28 depend from claims 19 and 20, respectively, it is respectfully submitted that claims 24 and 28 patentably distinguish over the cited references.

In item 20 on pages 10-11 of the Office Action the Examiner rejected claims 43-44 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,717,955, issued to Swinehart (hereinafter referred to as "Swinehart") in view of Cisco. The Applicants respectfully traverse the Examiner's rejections of claims 43-44.

Claim 43 of the present application recites "accepting subsequent setting requests only from the specified management device after accepting the prioritized setting request from the specified management device." As discussed in the previous section of this Amendment in regard to the similarly recited feature of claim 1, Cisco does not disclose or suggest at least this feature of claim 43. Further, as Swinehart apparently merely discloses techniques for temporarily transferring control, including exclusive control, of computing devices dedicated to a specialized use to users at the user's request, Swinehart does not cure the deficiencies of Cisco in regard to claim 43. Also, claim 44 depends from claim 43 and includes all of the features of that claim plus additional features which are not disclosed or suggested in the cited references. Therefore, it is respectfully submitted that claims 43-44 also patentably distinguish over the cited references.

Allowable Subject Matter

In item 22 on page 12 of the Office Action the Examiner objected to claim 9 as being dependent upon a rejected base claim, but indicated that claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed in the previous sections of this Amendment, claim 1 patentably distinguishes over the cited references. Further, claim 9 depends from claim 1 and includes all

of the features of that claim plus additional features which are not disclosed or suggested by the cited references. Therefore, it is respectfully submitted that claim 9 patentably distinguishes over the cited references, and the Applicants further respectfully request the withdrawal of the Examiner's objection to claim 9.

Summary

In accordance with the foregoing, claims 1, 19-20, and 43 have been amended. No new matter has been presented. Thus, claims 1-28 and 43-44 remain pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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